

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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	)	
	)	
LARRY TOTTEN, et al.	)	No. <u>C-05-4307</u> SC
Plaintiffs,	)	
	)	
v.	)	ORDER RE: COURT TRIAL
	)	PREPARATION FOR JUDGE
	)	<u>SAMUEL CONTI</u>
	)	
	)	
Defendants.	)	
	)	
	)	
	)	

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COURT TRIAL PREPARATION FOR JUDGE CONTI

A. Required Submissions

No later than ten (10) days before trial, each party shall serve upon all other parties and lodge with this court three copies of the following:

- (1) Proposed Findings of Fact and Conclusions of Law.
- (2) A trial brief.

(3) A list of exhibits conforming substantially to the form attached as Appendix A. Upon request of a party, any party shall make the original of any exhibit available for inspection and/or copying.

(4) A list of witnesses, including expert witnesses, in the expected order of their presentation. The witness list shall also include:

- (a) a brief statement as to the content of the witness' testimony;
- (b) an estimate of the time of the witness' testimony, on both direct and cross examination;

No witnesses other than those on said list shall be allowed to testify, except upon express order of this court.

(5) A statement designating all excerpts from depositions (specifying the witness' name, with page and line references), answers to interrogatories, and responses to requests for admission to be offered at trial for any purpose other than impeachment or rebuttal.

#### B. Exhibit Binders

Exhibits that can be reduced to 8.5" by 11" form (i.e. written documents, photographs, etc.) should be placed in three-ring binders with each exhibit tabbed on the side. A copy of the exhibit list should be placed in the front of the binder. Binders should be clearly labeled on the outside as to which party's exhibits and what exhibit numbers they contain. The parties should prepare three (3) sets of binders: one for the Judge, one for the witness to refer to, and one for the clerk to act as the original. The original copy should have an exhibit marker attached to the

first page of each exhibit in the lower right hand corner.  
The exhibit marker must appear substantially in the  
following form:

United States District Court  
Northern District of California

Case No. \_\_\_\_\_

{Name of Party}'s Exhibit No. \_\_\_\_\_

Date Entered: \_\_\_\_\_

Clerk, United States District Court

By: \_\_\_\_\_  
Deputy Clerk

These binders are to be delivered directly to Judge Conti's  
Chambers no later than three (3) days before the date of  
trial. They are not to be filed in the clerk's office.

IT IS SO ORDERED.

Dated: August 9, 2006



\_\_\_\_\_  
United States District Judge

INSTRUCTIONS FOR COMPLETING EXHIBIT MARKERS AND EXHIBIT LIST

EXHIBIT MARKERS

Counsel should fill in the appropriate markers leaving the "Date Entered" and "Deputy Clerk" lines blank.

Plaintiff's exhibits should be denoted as: P-1, P-2, P-3, etc.  
Defendant's exhibits should be denoted as: D-501, D-502, D-503, etc.

EXHIBIT LIST

Counsel are to supply all the requested information with the exception of the two "Date Boxes."

COLOR OF EXHIBIT BINDERS

Plaintiff's exhibit binders must be black and Defendant's exhibit binders must be blue.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>PLAINTIFF</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>DEFENDANT</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk
UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>PLAINTIFF</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA Case No. _____ <b>DEFENDANT</b> Exhibit No. _____ Date Entered: _____ RICHARD W. WIEKING, CLERK By: _____ Deputy Clerk
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DATE \_\_\_\_\_

\_\_\_\_\_ vs. \_\_\_\_\_

( ) DEFENDANT

[illegible]

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

TOTTEN ET AL et al,  
Plaintiff,

Case Number: CV05-04307 SC

v.

**CERTIFICATE OF SERVICE**

PEGUES ET AL et al,  
Defendant.

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I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 10, 2006, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Alex Pegues  
760 Market Street #546  
San Francisco, CA 94102

Barry E. Hinkle  
Conchita Lozano-Batista  
Weinberg Roger & Rosenfeld  
A Professional Corporation  
1001 Marina Village Parkway, Suite 200  
Alameda, CA 94501-1091

Patricia A. Davis  
Weinberg Roger & Rosenfeld  
A Professional Corporation  
180 Grand Avenue, Suite 1400  
Oakland, CA 94612

Dated: August 10, 2006

Richard W. Wieking, Clerk

By: T. De Martini  
Deputy Clerk